

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 08 JUL 2005

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Applicant's or agent's file reference CFO18238WO		FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/JP2004/009382		International filing date (day/month/year) 25.06.2004		Priority date (day/month/year) 09.07.2003
International Patent Classification (IPC) or national classification and IPC G11B23/03				
Applicant CANON KABUSHIKI KAISHA et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 2 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input checked="" type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 23.02.2005		Date of completion of this report 07.07.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Moje, A Telephone No. +49 89 2399-2701		



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/JP2004/009382

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-13 as originally filed

Claims, Numbers

3 received on 23.02.2005 with letter of 21.02.2005

Drawings, Sheets

1-8 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/JP2004/009382

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	3
Industrial applicability (IA)	Yes: Claims	3
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

and /or

2. Non-written disclosures (Rule 70.9)

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: US -A- 5 077 625

D2: EP -A- 0 702 371

D3: US -A- 2002 186 636

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 3 does not involve an inventive step in the sense of Article 33(3) PCT.

2.1 D1 (cf. Figures 4, 9 and 10) discloses a disc cartridge for housing a disc-like recording medium (1) which comprises a case main body (12), an aperture (18), a shutter (20), and a thin bridge part (30, 32) as claimed. The thin bridge part is thinner than the cartridge case and is disposed at a position farther from the optical pickup (24) than a surface of the recording medium (cf. column 3, l. 60 to column 4, l. 26).

2.2 D2 (cf. Figures 3, 4 and 10-12) discloses an information recording/reproducing device which is at least suitable for recording/reproducing a disc-like recording medium housed in a disc cartridge as described by D1. This device comprises a turntable (cf. column 11, l. 31-35), an optical pickup ("C") that emits a light beam (cf. lens 12 in Figure 11) to the recording medium so as to at least one of record and reproduce the information and which moves to /retracts from the aperture of the disc cartridge and a mechanism for moving the optical pickup in an in-plane direction of the recording medium. When using the cartridge of D1 in said moving mechanisms of D2, the pickup will automatically be moved into the retracted position opposite to the thin bridge part of the disc cartridge of D1, in one of the in claim 3 specified cases, which inevitably occur during use of the apparatus of D2.

Therefore, the features of claim 1 do not involve an inventive step with regard to a combination of the recording device of D2 with the cartridge of D1.

2.3 In addition, it is to be noted that D1 also suggests a recording/ reproducing device designed in correspondence to the cartridge described therein. This recording/reproducing device usually consists of a turntable and a movable pickup as claimed.

Re Item VII

Certain defects in the international application

The independent claim is not in the two-part form as required by Rule 6.3(b) PCT, whereby those features which in combination are part of the prior art (see D1 or D2) are placed in the preamble.

Reference signs in parentheses are missing in the claims, Rule 6.2(b) PCT. This apply to both the preamble and characterising portion.

The documents D1-D3 have not been identified in the description nor has the relevant background art disclosed therein been discussed. The requirements of Rule 5.1(a)(ii) PCT are, thus, not fulfilled.

Re Item VIII

Certain observations on the international application

The designation in claim 3 conveys the impression that this claim is directed to a recording /reproducing device per se, which does not include the disc-like recording medium housed in a disc cartridge. In this sense these claims are not clear (Art. 84), because the features related to the disc-like recording medium housed in a disc cartridge do not put clear restrictions on the recording/reproducing device itself. Such claims do not describe a recording/reproducing device per se rather its relation to the optical pickup (cf. The Guidelines PCT/GL/ISPE/1/II/5.37 of 11/3/2004).

CLAIMS

1. (Cancelled)
2. (Cancelled)
3. (Amended) An information

5 recording/reproducing device for at least one of
recording information on and reproducing information
from a disc-like recording medium housed in a disc
cartridge, the disc cartridge comprising a case main
body having a housing part for housing the recording
10 medium; an aperture that allows a light beam to enter
from a optical pickup that is provided to at least
one principle plane of the case main body; a thin
bridge part provided to the aperture, which is
thinner than a cartridge case; and a shutter for
15 opening and closing the aperture, wherein the thin
bridge part is disposed at a position farther from
the optical pickup than a surface of the recording
medium which is on a side to be irradiated with the
light beam in a state in which the disc cartridge is
20 mounted to an information recording/reproducing
device,
the information recording/reproducing device
comprising:
a turntable for rotating the recording medium;
25 a optical pickup that emits a light beam to the
recording medium so as to at least one of record and
reproduce the information, and which moves

to/retracts from the aperture of the disc cartridge;
and

a mechanism for moving the optical pickup in an
in-plane direction of the recording medium,

- 5 wherein in at least one of a case where the
recording medium is to be mounted to the turntable
together with the disc cartridge, and a case where
the recording medium is to be removed from the
turntable together with the disc cartridge, the
10 optical pickup is retracted into a position opposite
to the thin bridge part of the disc cartridge.